

D.P.U. 96-43

Assessment pursuant to G.L. c. 25, § 18 and G.L. c. 111, § 5K, applied to operators of nuclear generating facilities for the purpose of reimbursing the Commonwealth for expenditures incurred by the Massachusetts Department of Public Health related to such facilities, during the fiscal year, 1996.

Assessment for the Department of Public Health Environmental Monitoring of the Seabrook
Nuclear Power Plant for Fiscal Year 1996
(Appropriation Item No. 4510-0617)

On April 4, 1996, the Department of Public Health, pursuant to Section 2 of Chapter 38 of the Acts of 1995 (the "Act"), requested that the Department of Public Utilities ("Department") establish an apportionment and make an assessment against electric companies in Massachusetts for the environmental monitoring of the Seabrook nuclear power plant by the Department of Public Health. The language of the Act allows the Department to assess those utilities in the Commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant, and those utilities located outside the Commonwealth whose nuclear power plant areas include communities located within the Commonwealth. In that the Department of Public Health presently provides monitoring only for the Seabrook nuclear power plant, this assessment will be limited to those Massachusetts utilities which purchase from this plant.¹

In D.P.U. 95-124, 94-179, and 93-195, the Department determined that, for purposes of

¹ On March 6, 1995, the Department made similar assessments for Fiscal Years 1994 and 1995 in the amounts of \$50,000.00 and \$24,000.00 respectively, to fund expenditures required by Section 2 of Chapter 495 of the Acts of 1993, and Section 2 of Chapter 60 of the Acts of 1994. See D.P.U. 95-19.

recovering a portion of the emergency planning expenses incurred by the Massachusetts Emergency Management Agency, an equitable method of allocating the assessments among the Massachusetts utilities which own or purchase power from nuclear power plants located outside the Commonwealth was on the basis of the entitlement of Massachusetts utilities to power from the nuclear plants. For the purpose of this assessment, the same method will be followed. Further, consistent with previous orders, the Department uses entitlements as of December 31, 1994 as a basis for the assessment.

The Department determines that the following companies shall be assessed to provide for the reimbursement to the General Fund of the Commonwealth for appropriations made by the General Court for Fiscal Year 1996, for the environmental monitoring of the Seabrook nuclear power plant.

<u>Name of Company</u>	<u>Nuclear MW Entitlement</u>	<u>Percent of Share</u>	<u>Assessments 1996</u>
Commonwealth Energy System P.O. Box 9150 One Main Street Cambridge, MA 02142	40.5	21.35	13,076.87
New England Power Co. 25 Research Drive Westborough, MA 01581 36,970.50	114.513	60.36	
Montaup Electric Co. P.O. Box 541 730 West Center Street West Bridgewater, MA 02379 <u>11,202.63</u>	<u>34.71</u>	<u>18.29</u>	
Totals 0	189.723	100	\$61,250.0

Accordingly, it is

VOTED: That an assessment in the amount of \$61,250.00 is hereby made to provide for the reimbursement to the General Fund of the Commonwealth for the appropriations made by the General Court for Fiscal Year 1996 to fund the environmental monitoring of the Seabrook nuclear power plant by the Department of Public Health; and it is

ORDERED: That the companies listed herein be assessed in the amount indicated.

By Order of the Department,

John B. Howe, Chairman

Mary Clark Webster, Commissioner

Janet Gail Besser, Commissioner

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).